unlawfully prescribing Schedule II drugs and that Respondent was arrested on these charges on January 30, 1992. The charges against Respondent eventually were nolle-prossed.

The administrative law judge found that the Maryland State Board of Physician Quality Assurance (the Board) initiated an investigation of Respondent in November 1991 after the Maryland Division on Drug Control notified the Board that Responent had surrendered his Virginia license. In February 1992, the Board summarily suspended Respondent's medical license in Maryland based upon the surrender of his Virginia license, his January 1992 arrest and the charges that he had improperly prescribed controlled substances. As a result of the criminal case against Respondent being nolle-prossed, the Board executed a consent order on June 2, 1992, lifting the summary suspension and placing Respondent on a three year probationary period with conditions. Judge Bittner also noted testimony that, at the time of the hearing in this proceeding, Respondent remained in full compliance with the conditions of his probation.

The Government argued that Respondent's DEA Certificate of Registration should be revoked because Respondent: (1) violated 21 CFR 1306.04(b) by prescribing controlled substances to individuals without first conducting physical examinations; (2) had violated 21 U.S.C. 822(e) and 21 CFR 1301.23 by having prescriptions filled for controlled substances and mailing them to individuals; (3) prescribed controlled substances to an individual who was drug and alcohol dependent; and (4) voluntarily surrendered his Virginia medical license because of his inappropriate prescribing of controlled substances.

Respondent argued that: (1) he was never convicted of any criminal activity; (2) he voluntarily surrendered his Virginia license in lieu of further administrative proceedings; (3) his failure to maintain adequate medical records for certain patients was not his usual practice; (4) the patients to whom he mailed controlled substances were longtime friends or family and he acted with good intentions; (5) he has been in good standing with the Maryland State Board of Physician Quality Assurance since he signed the consent order; and (6) he continues to maintain a medical practice in the State of Maryland.

Pursuant to 21 U.S.C. 824(a)(4) the Deputy Administrator of the DEA may revoke the registration of a practitioner upon a finding that the registrant has committed such acts as would render his registration inconsistent with the public interest as that term is used in 21 U.S.C. 823(f). In determining the public interest, the following factors will be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The [registrant]'s experience in dispensing, or conducting research with respect to controlled substances.

(3) The [registrant]'s conviction record under Federal or State laws relating to the manufacture, distribution or dispensing of controlled substances.

(4) Compliance with applicable State, Federal or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

It is well established that these factors are to be considered in the disjunctive, i.e. the Deputy Administrator may properly rely on any one or a combination of factors, and give each factor the weight he deems appropriate in assessing the public interest. *See Mukand Lal Arora, M.D.,* 60 FR 4447 (1995); *Henry J. Schwartz, Jr., M.D.,* 54 FR 16422 (1989). The administrative law judge found that factors (1), (2), (4), and (5) were relevant in considering whether Respondent's DEA registration should be revoked.

The administrative law judge found that testimony by two patients that Respondent had used cocaine and traded other controlled substances for-cocaine, were statements made by acknowledged drug abusers who, themselves, were under investigation at the time they raised their allegations against Respondent, and, therefore, their hearsay statements were not sufficiently reliable to warrant a finding that Respondent had engaged in the alleged conduct. Judge Bittner further found that it was not disputed that Respondent had picked up filled prescriptions and mailed the medication to patients, but that such conduct was not illegal in Virginia, the jurisdiction in which Respondent was practicing at that time, and that there was no evidence of any other state or Federal regulation of such practice. Judge Bittner found no merit to the Government's contention that Respondent's practice of retrieving filled prescriptions for certain patients violated 21 CFR 1306.04(b).

The administrative law judge additionally found that it was not disputed that Respondent had prescribed medication to certain patients without first performing a physical examination. It was further undisputed that Respondent did not keep charts on the patients he treated out of his Bethesda location after December 1989, when, as Respondent contended, his mother disposed of his patient records. Judge Bittner found that Respondent's failure to maintain records on those patients constitutes grounds for revoking his DEA registration. However, the administrative law judge found that the evidence did not establish that revocation of Respondent's registration would be in the public interest and recommended that Respondent's DEA Certificate of Registration not be revoked subject to his compliance with the following conditions for two years from the effective date of the Deputy Administrator's final order: (1) Respondent shall not dispense directly or administer any controlled substances except in a hospital setting; (2) Respondent shall use triplicate forms for all controlled substance prescriptions and shall maintain at his registered location one copy of each form and arrange for another copy to be received by the Special Agent in Charge of DEA's Baltimore District Office or his designee; and (3) Respondent shall consent to inspections of his registered premises pursuant to notices of inspection as described in 21 U.S.C. 880.

The Deputy Administrator adopts the opinion and recommended ruling, findings of fact, conclusions of law and decision of the administrative law judge in its entirety. Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AM2432631, issued to Richard C. Matzkin, M.D., be, and it hereby is, continued subject to the conditions enumerated by the administrative law judge. This order is effective on July 13, 1995.

Dated: June 6, 1995.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 95–14369 Filed 6–12–95; 8:45 am]

BILLING CODE 4410–09–M

Immigration and Naturalization Service

[INS No. 1722–95]

Discontinuation of the Nicaraguan Review Process

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: this notice announces the termination of the special review procedures under which the files of Nicaraguan nationals subject to final deportation orders were subject to

mandatory review by the Immigration and Naturalization Service (INS) and the Office of the Deputy Attorney General. Changes in country conditions in Nicaragua coupled with improvements in the asylum adjudications process have rendered these special procedures unnecessary. Cases of affected individuals will be handled individually under normal procedures to decide whether any factors permit them to remain in the United States.

EFFECTIVE DATE: June 13, 1995.

FOR FURTHER INFORMATION CONTACT: Robert A. Jacobson, Director, Policy Development and Special Programs Branch, Detention and Deportation Division, Immigration and Naturalization Service, 425 I Street NW., Room 3008, Washington, D.C. 20536, telephone (202) 514–2871.

SUPPLEMENTARY INFORMATION:

Background

In 1987, then Attorney General Meese initiated the Nicaraguan Review Program (NRP). Under these special procedures, the INS and Department of Justice (DOJ) reviewed the case of each Nicaraguan who had received a final deportation order to ensure that no Nicaraguan with a well founded fear of persecution was deported unless it was determined that the person had engaged in serious criminal activity or posed a danger to the national security.

The INS reviewed the country conditions in Nicaragua and considered the need for continued specialized review. The INS concluded that the political situation in Nicaragua and the United States government's asylum adjudications procedures had improved to such an extent that it was no longer necessary to have a special review of every final order of deportation involving a Nicaraguan national. Therefore, the INS requested that the Attorney General discontinue the NRP. Attorney General Janet Reno approved the termination of the NRP. Accordingly, all DOJ and INS implementing and procedural NRP memoranda and wires are hereby rescinded. The INS Headquarters is issuing a directive notifying its field offices that Nicaraguans are no longer subject to special review under the NRP.

Future Consideration of Cases

Cases of Nicaraguan nationals under deportation or exclusion proceedings will receive no further special review. Nicaraguan cases will be handled under normal procedures, on a case-by-case basis. Each case will receive all appropriate consideration consistent with applicable law and regulations. Due regard will be given to any existing equities or immigration benefits which might accrue to the specific alien involved.

Nicaraguan nationals affected by the termination of the NRP may be eligible to apply for suspension of deportation pursuant to section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254 if they (1) have been present in the United States for at least 7 years (10 years in the case of certain criminal aliens), (2) are persons of good moral character, and (3) are persons whose deportation would pose an extreme hardship to themselves or to their spouse, parent, or child who is either a United States citizen or a lawful permanent resident. To apply for such relief, aliens with final orders must file a motion to reopen with the immigration judge pursuant to 8 CFR 3.23 and 242.22 or the Board of Immigration Appeals (BIA) pursuant to citations 8 CFR 3.2 and 3.8.

Nicaraguans have no need to fear immediate expulsion from the United States as a group. Discontinuation of the NRP will not cause Nicaraguans to be targeted as a group or treated as a special class for any enforcement activity.

Work Authorization

As the work authorization of individual Nicaraguans with final deportation orders expires, the INS will review requests for renewal on a case-by-case basis. Work authorization will not be extended automatically due to the termination of the NRP. Moreover, the regulatory authority under which many Nicaraguans whose cases were under review by the NRP received employment authorization, 8 CFR 274a.12(c)(13), was eliminated as a result of new asylum regulations which became effective on January 4, 1995.

Nicaraguans and other persons who now have work authorization and who filed asylum applications *before* January 4, 1995, may obtain extensions of this authorization while their applications are pending adjudication or review by the INS, an immigration judge, the BIA, or a Federal court. Those who file asylum applications after January 4, 1995, must wait 150 days after their applications are filed to apply for work authorization.

Transitional criteria, however, will apply for 1 year from the date of this notice to some employment authorization requests from Nicaraguans affected by termination of the NRP. Specifically, the INS will treat the filing of a motion to reopen deportation proceedings accompanied by an application for suspension of deportation as a sufficient basis upon which such a person may apply for work authorization. In such cases, work authorization may be granted upon a finding that the alien has met the physical presence requirement for suspension of deportation.

Dated: June 6, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95–14386 Filed 6–8–95; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Office of the Secretary

Women's Bureau; Commission on Family and Medical Leave; Notice of Public Hearing

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of public hearing.

SUMMARY: Pursuant to Title III of the Family Medical Leave Act (FMLA) of 1993 (P.L. 103–3) this is to announce a hearing on the experience of family and temporary medical leave policies for the Commission which is to take place on Monday, June 26, 1995. The purpose of the Commission is to, among other things, study the effects of existing and proposed policies relating to family and medical leave. The Commission has the practical task of conducting a comprehensive study of: (a) Existing and proposed mandatory and voluntary policies relating to family and temporary medical leave, including policies provided by employers not covered under the Act; (b) the potential costs, benefits, and impact on productivity, job creation and business growth of such policies on employers and employees; (c) possible differences in costs, benefits, impact on productivity, job creation and business growth of such policies on employers based on business type and size; (d) the impact of family and medical leave policies on the availability of employee benefits provided by employers, including employers not covered under this Act; (e) alternative and equivalent State enforcement of Title I with respect to employees described in section 108(a); (f) methods used by employers to reduce administrative costs of implementing family and medical leave policies; (g) the ability of the employers to recover, under section 104(c)(2), the premiums described in such section; and (h) the impact on employers and employees of policies that provided temporary wage replacement during periods of family and medical leave.